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C O N F I D E N T I A L SECTION 01 OF 02 TEGUCIGALPA 000798

SIPDIS

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TAGS: [PGOV](#) [PINR](#) [KDEM](#) [HO](#)

SUBJECT: TFH01: HONDURAS COUP: POLITICAL WRAP-UP 08/21/09

REF: A. TEGUCIGALPA 786

[1](#)B. TEGUCIGALPA 785 AND PREVIOUS

[1](#)C. TEGUCIGALPA 779

Classified By: Charge d'Affaires Simon Henshaw, reasons 1.4 (b) and (d)

[1](#)1. (U) This is another in a series of round-ups of political news in the aftermath of the June 28 forcible removal and exile of President Manuel Zelaya from Honduras.

[1](#)2. (C) The five-magistrate "Constitutional Hall" of the Supreme Court of Justice (SCJ) agreed on August 20 to review a legal challenge to the July 1 decree submitted by the National Congress that removed President Zelaya from office and named Roberto Micheletti as President. (Note: Congress does not have Constitutional authority to remove the President. End note.) Congress has five days to present a report to the SCJ, and after evidence is presented, a non-binding opinion will be issued by the Attorney General. If the Constitutional Hall cannot reach a consensus, the case would go before the full 15-member Court. A final ruling by the Court is expected within 23 days. According to sources, at least some magistrates have questioned the legality of Zelaya's replacement by Micheletti. (Comment: This decision, while procedural only at this time, represents a willingness by the Supreme Court to review at least some aspects of the legality of the events occurring on/around June 28. End comment.)

[1](#)3. (C) PolOff met again August 20 with Flor Santamaria (protect), who has served as an informal liaison between the Embassy and a group of 21 dissident Congressional Deputies who oppose the coup (Ref B). Santamaria asked for USG support in arranging a separate meeting with the 21 Congressional Deputies and the OAS mission of Foreign Ministers, since the Deputies were unable to meet privately with the Inter-American Commission on Human Rights, but rather in conjunction with the Commission's meeting with Zelaya cabinet members, who hold a different opinion about the crisis (Ref A). PolOff encouraged her to speak directly to the OAS Mission about scheduling.

[1](#)4. (C) Santamaria said that for the selection of a national unity government as part of the San Jose Accord, there would likely need to be a "system of vetoes" for each side. She said that the de facto regime would likely veto FM Patricia Rodas, Secretary to the Presidency Enrique Flores Lanza, VP Aristides Mejia, Energy Minister Rixi Moncada, and former FM Milton Jimenez. She said the Zelaya side would veto de facto VFM Martha Lorena Alvarado and de facto Secretary to the Presidency Rafael Pineda Ponce, and would expect Attorney General Luis Alberto Rubi and Chief of Defense MG Romeo Vasquez Velasquez to resign (Note: The Executive does not hold the authority to vacate these two positions. End note).

15. (C) Santamaria said that the Chief Justice of the Supreme Court Jorge Rivera Aviles was seen as neutral by the pro-Zelaya side because he did not participate in the oath of office for Micheletti and he was not the one who signed the arrest warrant for President Zelaya. Other "neutral" figures that could be helpful in a reconciliation process include Enrique Aguilar (Innovation and Unity Party-PINU), Jorge Aguilar (PINU), Efrain Moncada Silva (Liberal), Rodil Rivera Rodil (Liberal, close to Elvin Santos), Dante Ramirez (Liberal), Cesar Caceres (National, close to "Pepe" Lobo), and Juan Arnaldo Hernandez (National). (Embassy Comment: The Chief Justice has taken a very pro-regime stance in conversations with the Embassy. Nevertheless, if the Zelaya camp sees him as neutral, it could be useful in implementation of the San Jose Accords. End Comment.)

16. (C) According to local media, president of the NGO Honduran Committee for the Defense of Human Rights (CODEH) Andres Pavon was accused of fraud on August 19. (Comment: This appears to be another politically-motivated prosecution, since Pavon submitted a formal complaint to the Attorney General calling for an investigation into the removal of Zelaya. End comment.)

17. (C) Poloff spoke on August 20 with Judge Maritza Arita, who had been placed on mandatory paid leave after a controversial ruling regarding three accused pro-Zelaya protestors (Ref C). She defended the decision given the lack of evidence and no indication that the defendants were a harm to others or a flight risk. As proof that her decision was

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sound, she pointed to the fact that the judge who took over the case made the same decision and again granted the three defendants temporary release in a follow-up hearing this week. Arita believes the decision to give her forced vacation is a political move based on the bad press and the full-page ad against her in newspapers on August 17 and her husband Jari Dixon's support of Zelaya.  
HENSHAW